

DEP 3 REF

PAT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

7005 DEC 23 PM 3:12

**CANCELLED**

In re application of:

Sarkis TOKATLIAN

US PATENT & TRADEMARK  
OFFICE

US PATENT & TRADEMARK  
OFFICE

Art Unit: 3743

Appl. No. 10/715,115  
Confirmation No. 3992

Examiner: Aaron J. Lewis

Filed: November 18, 2003

Atty. Docket No. 32406-198948

For: SUB AQUA BREATHING SYSTEM

Customer No.

**\*26694\***

PATENT TRADEMARK OFFICE

**REQUEST FOR REFUND**

U.S. Patent and Trademark Office  
2011 South Clark Place Customer Window  
**Mail Stop 16**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Applicant respectfully requests a refund in the amount of \$510.00 for the three month extension fee charged to our account at a large entity rate (\$1020.00).

We filed a Notice of Appeal along with a Petition for Extension of Time on September 22, 2005. The small entity rate applied as noted on the attached forms showing the *PTO stamp receipt* dated September 22, 2005, therefore, please refund \$510 owed to us in this case.

Also enclosed is a copy of our Draft Bill number 1216693 stating that \$1020 was mistakenly charged to our account.

DC2DOCS1/708766

**BEST AVAILABLE COPY**



Application No. 10/715,115

Please credit \$510 to our Deposit Account No. 22-0261, and notify the undersigned accordingly.

If any questions arise, please contact the undersigned at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas G. Wiseman", written over a horizontal line.

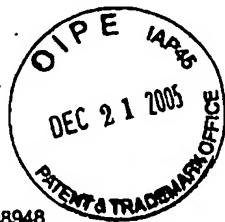
Dated: 12/21/05

Thomas G. Wiseman  
Registration No. 35,046  
VENABLE  
Post Office Box 34385  
Washington, D.C. 20043-9998

Telephone: (202) 344-4614  
Telefax : (202) 344-8300

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128668  
Venable Filing Number



Attorney: CAA: TGW/cc  
PTO Due Date: September 23, 2005  
Date Filed: September 22, 2005

TM Official Gazette Date:

Atty. Docket No: 32408-198948

Re: Sarkis Tokatlian

Application No: 10/715,115

Patent No.:

Trademark:

Opposition/Cancellation No:

Filing Date: November 18, 2003

Issue Date:

Trademark Reg. No:

The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

**U.S. PTO FEES ENCLOSED**

- ☐ Transmittal Letter
- ☐ Fee Transmittal Letter
- ☐ U.S. Provisional Patent Application ( pages specification)
- ☐ Formal Drawings
- ☐ Invention Declaration ( 2 pages)
- ☐ Application Data Sheet
- ☐ Translation of International Application ( pages)
- ☐ New U.S. TM Application ( specimens)
- ☐ Rule 53(d) Continued Prosecution Application
- ☐ Substitute Specification
- ☐ Rule 53(b) Continuation or Divisional Application (attach copy of specification, claims, drawings & declaration)
- ☐ Priority Document-Cert. Copy of Appln.#: ; Country
- ☐ Date Filed:
- ☐ Request for Continued Examination (RCE) under 37 CFR 1.114
- ☐ Request for Reconsideration
- ☐ Assignment including the Cover Sheet
- ☐ IDS w/ PTO SB/08 a/k/a PTO Form-1449
- ☐ Response to Restriction Requirement
- ☐ Amendment
- ☒ Petition/Request for Extension of Time (three mo. ext. - small entity case)
- ☒ Notice of Appeal (small entity case)
- ☐ Appeal Brief (in triplicate)
- ☐ ☐ Reply Brief (in triplicate)/ ☐ Request for Oral Hearing
- ☐ Confirmation of Hearing Petition
- ☐ Issue Fee Transmittal
- ☐ Certificate of Correction
- ☐ Maintenance Fee Transmittal
- ☐ Power of Attorney
- ☐ Response to Notice to File Missing Parts
- ☐ Response to Notice to File Missing Requirements
- ☐ Response to Restriction Requirement
- ☐ Petition to Revive
- ☐ Sequence Listing - CRD (Computer Readable Disk) Enclosed? ☐ Yes ☒ No
- ☐ Status Inquiry
- ☐ Request for Non-Publication
- ☐ Request to Rescind Non-Publication Request
- ☐ Terminal Disclaimer
- ☐ TM Statement of Use
- ☐ Extension of Time ( mo. ext.)
- ☐ Declaration Under 8
- ☐ Declaration Under 8 and 15
- ☐ TM Renewal Application
- ☐ Notice of Opposition (Please list all documents in Other section)
- ☐ Amendment to Alleged Use
- ☐ Other: (Please describe below)

Filing Fee  
Surcharge Fee  
Additional Claim Fee  
Recordation/Indexing Fee  
IDS Fee  
\$ 60.00 Extension - \$450 paid 8/15  
\$250.00 Notice of Appeal Fee  
Brief on Appeal Fee  
Oral Hearing Request Fee  
Petition Fee  
Issue Fee  
Publication Fee  
Maintenance Fee  
TM Statement of Use  
8 Affidavit Fee  
8 and 15 Affidavit  
TM Renewal Application Fee  
Notice of Opposition Fee  
TM Extension of Time Fee

\$310.00 Total Fees Paid

☐ Check No. attached  
☒ Charge Deposit Account No. 22-0261

\*If the Deposit Account was used, was a copy of this form sent to Accounting?

RLM

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## PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)  
32406-198948

In re Application of Sarkis TOKATLIAN

Application Number 10/715,115

Filed November 18, 2003

For SUB AQUA BREATHING SYSTEM

Group Art Unit  
3743Examiner  
Aaron J. Lewis

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ \_\_\_\_\_
- ☐ Two months (37 CFR 1.17(a)(2)) \$ \_\_\_\_\_
- ☒ Three months (37 CFR 1.17(a)(3)) \$1020
- ☐ Four months (37 CFR 1.17(a)(4)) \$ \_\_\_\_\_
- ☐ Five months (37 CFR 1.17(a)(5)) \$ \_\_\_\_\_

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 60.00 (\$510 minus \$450 paid 8/15/05).
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 22-0261.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 22, 2005

Date

Signature

Thomas G. Wiseman, Reg. No. 35,046

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 2 forms are submitted.

#683072v1

VENABLE  
ATTORNEYS AT LAW

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DRAFT BILL # 1216693

Page 2 of 3

32406 / 198948 VENNER SHIPLEY LLP NAT'L STAGE-(PCT/GB02/02271)-SUB AQUA BREATHING SY / KINBERG,  
ROBERT

	HOURS	AMOUNT	ACTION
--- KINBERG, ROBERT ---			
11/09/05 WORK CODE L564			
EMAIL EXPLAINING DEBIT NOTE. {12882975}	1.00	470.00	<u>W/D</u>
FOR CURRENT SERVICES RENDERED	1.00	\$ 470.00	

	HOURS	RATE	AMOUNT	ACTION
TIMEKEEPER RECAP				
RZK02 KINBERG, ROBERT	1.00	470.00	470.00	

CHARGES

PATENT FEES : NOVEMBER 10, 2005 EXTENTION FOR RESPONCSE WITHIN THIRD MONTH {12869789}	1,020.00	<u>reject</u>
TOTAL CHARGES	\$1,020.00	

need to request refund of \$510 -  
Small entity - ~~we inadvertently~~ charged large entity fee  
Janet P.T.O. mistake !

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Docket Number (Optional)  
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Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

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Date

Signature

Thomas G. Wiseman, Reg. No. 35,046

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

#683072v1

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ATTORNEYS AT LAW

09/26/2005 HAL111 00000057 220261 10715115  
01 FC:1253 1020.00 DA

09/26/2005 HAL111 00000057 220261 10715115  
01 FC:1253 1020.00 CR

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03/27/2006 SDIRETA1 00000008 220261 10715115

01 FC:2253 510.00 DA

United States Patent and Trademark Office  
- Sales Receipt -

09/16/2005 LTHOMPS1 00000003 220261 10715115  
Sale Ref: 00000003 DA#: 220261 10715115  
01 FC:1252 450.00 DA

Adjustment date: 03/27/2006 SDIRETA1  
09/16/2005 LTHOMPS1 00000003 220261 10715115  
01 FC:1252 450.00 CR